

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**ROBERT SALLEY and
BONITA CUNNINGHAM**

PLAINTIFFS

v.

CAUSE NO: 4:18-CV-66-MPM-JMV

**WEBSTER COUNTY, MISSISSIPPI, SHERIFF TIM MITCHELL,
IN HIS OFFICIAL CAPACITY, CHIEF DEPUTY DILLON
CATES, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
And DEPUTY BLAKE LOVE, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES**

DEFENDANTS

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR ABSTENTION

COME NOW Plaintiffs Robert Salley and Bonita Cunningham (hereinafter "Plaintiff Salley," "Plaintiff Cunningham," or collectively "Plaintiffs"), by counsel, respectfully move this Honorable Court to deny Defendant's Motion premised upon pending claims in state court and request a hearing on said Motion.

(1) **PREMISE:** Plaintiff Salley is subject to a previously existing bench warrant from an indictment in circuit court and is charged with felony flight arising from an incident on March 3, 2018. Plaintiffs want this Court to issue an injunction against law enforcement. Respectfully, this Court should not decline jurisdiction.

(2) **BRIEFING:** In accord with Uniform Local Rule 7(b), these Plaintiffs are filing their supporting authorities herein.

WHEREFORE, PREMISES CONSIDERED Plaintiffs pray this Honorable Court will deny Defendants' Motion for Abstention. Plaintiffs also pray for all other general relief this Court deems to be fair and just.

Respectfully submitted this the 30th day of April 2018.

PLAINTIFFS

/s/ Carlos E. Moore
CARLOS E. MOORE, MSB#100685

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CERTIFICATE OF SERVICE

I certify a true and correct copy of the above and foregoing pleading was transmitted via ECF to all counsel of record.

This the 30th day of April 2018.

/s/ Carlos E. Moore
CARLOS E. MOORE, MSB#100685